

Welcome
to the
Permit Implementation
Regulations (AB 1497)
Workshop

The Project

- Part of the Solid Waste Facility Permit Regulations Development Plan
- Plan Approved by the Permitting and Enforcement Committee at the November 2004 Committee Meeting
- First of three rulemaking packages to be developed by staff to address various permit-related issues

Project Accomplishments

(During Informal Phase)

- Assembled a working team to analyze the issues, make recommendations and draft regulatory language
- Conducted scoping meetings
- Held stakeholder workshops
- Presented updates to P&E Committee
- Created a web page for the project
<http://www.ciwmb.ca.gov/Rulemaking/PermitImplem/>
- Drafted preliminary regulatory language to address each issue in the package

Purpose of Today's Workshop

- To inform stakeholders on work accomplished to date
- To gather feedback and answer questions
- To encourage future participation in the process

Workshop Agenda & Format

- 1:00 – 2:00 Presentation of the issues and draft language
- 2:00 – 2:15 Break
- 2:15 – 4:00 Comments & Questions from the audiences

Permit Implementation Regulations (AB 1497)

Key Issues

1. Significant Change and Modified Permit Process
2. Public Notices and Hearing Requirements
3. Relationship of Solid Waste Facilities Permit to Local Land Use
4. Tracking Community Outreach Efforts
5. Five Year Permit Review Noticing
6. Surprise Random Inspections

Issue 1: Significant Change and Modified Permit Process

Issue:

Inconsistent approach to approval of changes at facilities because phrase “significant change in design or operation of the SWF that is not authorized by the existing SWFP” has not been defined and which determines when a permit revision is required

Objective:

- Define the phrase to clarify when a permit needs to be revised
- Define a new process that would allow changes to permits for changes that do not require revision

Issue 1: Significant Change and Modified Permit Process

Regulatory Approach:

Adopt the proposed “Decision Tree” to do the following:

- Comply with changes in PRC 44004 as prescribed in AB 1497 to address the entire phrase, not just the words “significant change”
- Use criteria in the form of a decision tree which guides EA through “yes” or “no” questions in making a determination
- Answers to questions in decision tree determines if proposed change qualifies as an RFI amendment, a modified permit, or requires a revised permit

Issue 1: Significant Change and Modified Permit Process

■ Impacted Regulations - Title 27:

- 21580
- 21620
- 21650
- 21663
- 21665
- 21666 (new)
- 21675
- 21685

Issue 1: Significant Change and Modified Permit Process

1 – Consistent with existing CEQA?

YES

RFI
Amendment
Process

2 – Consistent with Statutes and Regulations?

3 – Consistent with permit Terms and Conditions?

NO

4 – Change not to design and operation

YES

Modified
Permit Process

NO

5 – Change is non-material

YES

YES

NO

6 – Terms and Conditions not required?

NO

Revised Permit Process

Issue 2: Public Notices and Hearing Requirements

Issue:

Inconsistency in public noticing and hearing requirements for permits

- Required for Revised and New CDI Permits
- Not required for all other permit actions

Objective:

- Adopt regulations that implement AB 1497
- Provide consistency with CDI permit requirements
- Apply noticing and hearing requirements to both new and revised permits
- Improve public awareness

Issue 2: Public Notices and Hearing Requirements

Regulatory Approach:

- Basic Noticing for RFI Amendments and Permit Modifications
- Higher Level of Noticing AND Public Informational Meeting for New and Revised Permits
- “Public Hearing” means an informational meeting. The meeting is strictly informational as no decision by EA can be made at the meeting.

Issue 2: Public Notices & Hearing Requirements

■ Impacted Regulations - Title 27:

- 21563
- 21660

■ Impacted Regulations – Title 14:

- 18104.2
- 18105.2
- 17383.10
- 17388.6

Issue 3: Relationship of SWFP to Local Land Use

Issue:

Statewide inconsistency in how EAs review local land use permits when determining completeness and correctness of permit since not specified in regulation

Some make completeness and correctness determination regardless of content of land use entitlement.

Others may reject a permit if local entitlement is inconsistent with other application documents.

Objective:

Clarify the level of consistency of the permit application to local land use entitlements for purposes of determining when the permit application is “complete and correct”

Issue 3: Relationship of SWFP to Local Land Use

Regulatory Approach:

- Operator provides a copy of the application to the director of the local land use department in jurisdiction where site is located
- EA verifies the application for completeness as specific in Section 21563(d)(2)

Issue 3: Relationship of SWFP to Local Land Use

■ Impacted Regulations - Title 27:

- 21563
- 21570

■ Impacted Regulations – Title 14:

- 18101
- 18104.1
- 18105.1

Issue 4: Tracking Community Outreach Efforts

Issue:

No system for tracking community outreach efforts for a facility or project

Objective:

Clarify how and by whom tracking of community outreach efforts should be accomplished consistently and systematically

Issue 4: Tracking Community Outreach Efforts

Regulatory Approach:

- Require in regulation that operator include with permit application a list of community outreach activities such as public notices and/or meetings on the proposed project
- Applies to new and revised Notification, Registration, Standardized, and Full permits

Issue 4: Tracking Community Outreach Efforts

- Impacted Regulations - Title 27:
- 21570

Issue 5: Five Year Permit Review Noticing

Issue:

Inconsistency in noticing responsibilities for 5-year permit reviews

- EA notifies operators of full permits
- CIWMB notifies operators and EAs for registration and standardized permits

Objective:

Establish consistency for noticing 5-year permit review

Issue 5: Five Year Permit Review Noticing

Regulatory Approach:

- Have EA provide all five-year noticing by changing language from “CIWMB” to “EA”

Impacted Regulations – Title 14:

- 18104.7
- 18105.9

Issue 6: Surprise Random Inspections

Issue:

Surprise random inspections required for CDI sites only

Objective:

Apply to other solid waste operations and facilities CDI regulatory requirement that EAs conduct surprise and randomly scheduled inspections to the greatest extent possible

Issue 6: Surprise Random Inspections

Regulatory Approach:

- Change language in Title 14 from permissive to required, but with caveat of “whenever possible”
- Add reference in EPP regulations about this requirement
- Delete applicable references in CDI regulations

Issue 6: Surprise Random Inspections

■ Impacted Regulations - Title 14:

- 18083
- 18077
- 17388.4
- 17388.5

Next Steps

- Process workshop comments
- Present agenda item to P&E Committee in October for direction to commence Formal Rulemaking process
- Conduct Formal Rulemaking process
- Seek Board and OAL approval by June 2006